

- (3) name of parent/custodian to be summoned;
  - (4) address at which the child should be summoned for disposition;
  - (5) name and address of victim;
  - (6) whether the child was represented by counsel; and
  - (7) findings of fact, after hearing or stipulation, regarding the amount of damages or loss caused directly or indirectly by the child's offense, for purposes of restitution.
- (b) A certified copy of the delinquency petition.
  - (c) A copy of the juvenile referral or complaint.
  - (d) Any reports and all previous orders including orders appointing counsel entered by the court in the interest of that child.

**Committee Notes**

**1991 Amendment.** This rule requires the transferring court to provide sufficient information to the receiving court when transferring the case to another jurisdiction to comply with the requirements of chapter 39, Florida Statutes.

**1992 Amendment.** The purpose of this amendment is to require the court hearing the substantive charge to determine the value of the victim's damage or loss caused by the child's offense. The victim and witnesses necessary to testify as to damage and loss are more often residents of the transferring court's county, rather than the receiving court's.

**RULE 8.165. PROVIDING COUNSEL TO PARTIES**

**(a) Duty of the Court.** The court shall advise the child of the child's right to counsel. The court shall appoint counsel as provided by law unless waived by the child at each stage of the proceeding. Waiver of counsel can occur only after the child has had a meaningful opportunity to confer with counsel regarding the child's right to counsel, the consequences of waiving counsel, and any other factors that would assist the child in making the decision to waive counsel. This waiver shall be in writing.

**(b) Waiver of Counsel.**

(1) The failure of a child to request appointment of counsel at a particular stage in the proceedings or the child's announced intention to plead guilty shall not, in itself, constitute a waiver of counsel at any subsequent stage of the proceedings.

(2) A child shall not be deemed to have waived the assistance of counsel until the entire process of offering counsel has been completed and a thorough inquiry into the child's comprehension of that offer and the capacity to make that choice intelligently and understandingly has been made.

(3) If the child is entering a plea to or being tried on an allegation of committing a delinquent act, the written waiver shall also be submitted to the court in the presence of a parent, legal custodian, responsible adult relative, or attorney assigned by the court to assist the child, who shall verify on the written waiver that the child's decision to waive counsel has been discussed with the child and appears to be knowing and voluntary.

(4) No waiver shall be accepted if it appears that the party is unable to make an intelligent and understanding choice because of mental condition, age, education, experience, the nature or complexity of the case, or other factors.

(5) If a waiver is accepted at any stage of the proceedings, the offer of assistance of counsel shall be renewed by the court at each subsequent stage of the proceedings at which the party appears without counsel.

**RULE 8.170. GUARDIAN AD LITEM**

At any stage of the proceedings, the court may appoint a guardian ad litem for the child.

A guardian ad litem shall not be required to post bond but shall file an acceptance of the office.

**RULE 8.180. COMPUTATION AND ENLARGEMENT OF TIME**

**(a) Computation.** In computing any period of time prescribed or allowed by these rules, except rules

8.013 and 8.010, by order of court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is Saturday, Sunday, or a legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

**(b) Enlargement of Time.** When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for good cause shown may, at any time, in its discretion:

(1) with or without notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order; or

(2) upon motion made and notice after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

But it may not, except as provided by law or elsewhere in these rules, extend the time for making a motion for a new trial, a motion for rehearing, judgment of acquittal, vacation of judgment, or for taking an appeal. This rule shall not be construed to apply to detention hearings.

#### **RULE 8.185. COMMUNITY ARBITRATION**

**(a) Referral.** A case may be referred to community arbitration as provided by law. The chief judge of each judicial circuit shall maintain a list of qualified persons who have agreed to serve as community arbitrators for the purpose of carrying out the provisions of chapter 985, Florida Statutes.

**(b) Arbitrator Qualifications.** Each community arbitrator or member of a community arbitration panel shall be selected pursuant to law and shall meet

the following minimum qualification and training requirements:

(1) Be at least 18 years of age.

(2) Be a person of the temperament necessary to deal properly with cases involving children and with the family crises likely to be presented.

(3) Pass a law enforcement records check and a Department of Children and Family Services abuse registry background check, as determined by the written guidelines developed by the chief judge of the circuit, the senior circuit court judge assigned to juvenile cases in the circuit, and the state attorney.

(4) Observe a minimum of 3 community arbitration hearings conducted by an approved arbitrator in a juvenile case.

(5) Conduct at least 1 juvenile community arbitration hearing under the personal observation of an approved community arbitrator.

(6) Successfully complete a training program consisting of not less than 8 hours of instruction including, but not limited to, instruction in:

(A) conflict resolution;

(B) juvenile delinquency law;

(C) child psychology; and

(D) availability of community resources.

The chief judge of the circuit, the senior circuit judge assigned to juvenile cases in the circuit, and the state attorney shall develop specific written guidelines for the training program and may specify additional qualifications as necessary.

#### **Committee Notes**

**1992 Adoption.** This rule provides qualification and training requirements for arbitrators as required by section 985.304(3), Florida Statutes. It was the committee's intention to set minimal qualifications and to allow local programs to determine additional requirements.